

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-9 and 11 will be pending. By this amendment, claim 10 has been canceled; claims 1, 7, and 11 have been amended. No new matter has been added.

Allowable Subject Matter of Claims 7, 10, and 11

It is appreciatively noted that claims 7, 10, and 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 7 has been amended to include base claim 1 and intervening claim 2. Claim 11 has been amended to include base claim 1 and intervening claim 10. The allowable subject matter of claim 10 has also been incorporated into claim 1. Claim 10 has been canceled.

§102 Rejection of Claims 1-6, 8, and 9

On page 2 of the Office Action, claims 1-6, 8, and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hayashi (U.S. Patent No. 6,304,538). Claim 1 has been amended to address the rejection.

Claim 1 has been amended to include the allowable subject matter of claim 10. Therefore, claim 1 should be allowable over the cited prior art references. Since claims 2-6, 8, and 9 depend from claim 1, claims 2-6, 8, and 9 should also be allowable over the cited prior art references.

Accordingly, it is submitted that the Examiner's rejection of claims 1-6, 8, and 9 based

upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-9 and 11 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as Originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

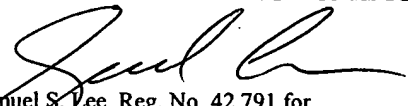
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:


Samuel S. Lee, Reg. No. 42,791 for
William S. Frommer
Reg. No. 25,506
(212) 588-0800